



0000144271

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS**DOCKETED**

APR 10 2013

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

DOCKETED BY

NR

IN THE MATTER OF THE APPLICATION OF
JAMES M. SUSA DBA JMS ENTERPRISES FOR
THE APPROVAL OF THE SALE OF ASSETS
AND/OR CANCELLATION OF THE
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE CUSTOMER-OWNED
PAY TELEPHONE SERVICE IN ARIZONA.

DOCKET NO. T-02805A-13-0028

DECISION NO. 73833**ORDER**

Open Meeting
April 9 and 10, 2013
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. James M. Susa d/b/a JMS Enterprises ("Applicant") has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in Arizona pursuant to Decision No. 58904 (December 21, 1994).

2. On February 12, 2013, the Applicant filed with the Commission an application for cancellation of its Certificate ("Application").

3. On March 4, 2013, the Commission's Utilities Division ("Staff") filed its Staff Report.

4. According to the Staff Report, the Applicant is a sole proprietorship owned by James Susa. Mr. Susa indicated that the Applicant no longer provides COPT service in Arizona and requests cancellation of its Certificate without a hearing.

5. Staff stated in its Staff Report that the Consumer Services Section of the Utilities Division reported that there are no consumer complaints, inquiries, or opinions filed against the Applicant. Staff noted that the Compliance Section of the Utilities Division indicated that the

1 Applicant does not have any outstanding compliance issues with the Commission.

2 6. Staff recommends approval of the Application and cancellation of the Applicant's
3 Certificate without a hearing.

4 7. Staff's recommendation is reasonable and shall be adopted.

5 **CONCLUSIONS OF LAW**

6 1. The Applicant is a public service corporation within the meaning of Article XV of the
7 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over the Applicant and the subject matter of the
9 Application.

10 3. The cancellation of the Applicant's Certificate is in the public interest.

11 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT
12 Certificates without a hearing.

13 5. Staff's recommendation is reasonable and should be adopted.

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...


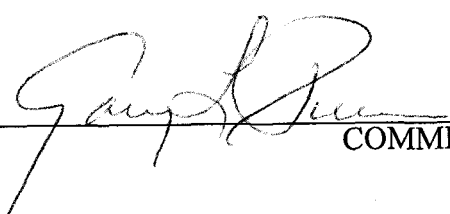
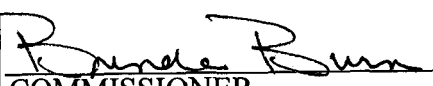
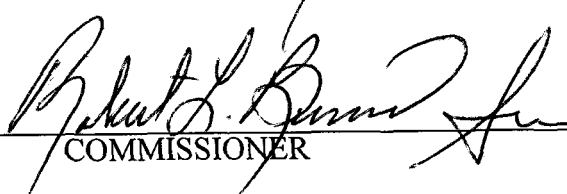

28 ...

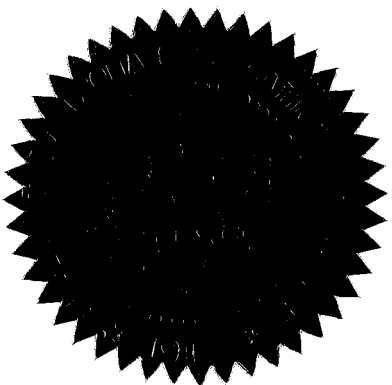
ORDER

IT IS THEREFORE ORDERED that the Application of James M. Susa d/b/a JMS Enterprises for Cancellation of its Certificate of Convenience and Necessity to Provide Customer-Owned Pay Telephone Service in Arizona is approved and the Certificate of Convenience and Necessity granted in Decision No. 58904 is cancelled.

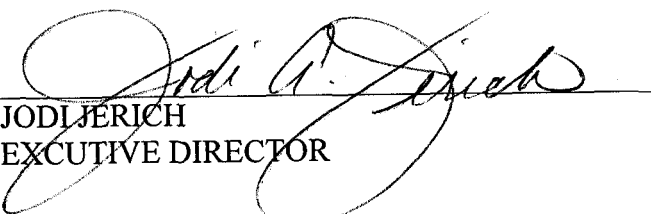
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

		
CHAIRMAN	COMMISSIONER	
		
COMMISSIONER	COMMISSIONER	COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 10th day of April 2013.


JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: JAMES M. SUSA D/B/A JMS ENTERPRISES

2 DOCKET NO.: T-02805A-13-0028

3
4 James M. Susa
5 JMS ENTERPRISES
6 5212 Camino Apolena
7 Tucson, AZ 85718

8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007

13 Steven M. Olea, Director
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, AZ 85007

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34